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# Overhaul Laws To Plug Leaks Of Intelligence, Congress Told

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WASHINGTON — Saying they are worried about new and serious leaks of classified information, U.S. intelligence officials are asking Congress to toughen federal espionage and secrecy statutes.

Daniel B. Silver, general counsel to the National Security Agency, said that over the last year "we have continued to suffer a troubling succession of leaks of classified information."

While declining for security reasons to describe the leaks in a public session of the House Intelligence Committee, he characterized them as "disclosures in the news media not known to be motivated by an intent to convey such information to a foreign power."

Silver said the leaks "have placed in jeopardy sources and methods from which extremely valuable intelligence is derived" and warned that the leak problem "shows no signs of abating."

Along with other intelligence experts, he argued that "unless something is done to discourage unauthorized disclosures of classified information, the situation is likely to get worse."

During two days of hearings that ended yesterday, members of the House intelligence panel were told by a variety of legal and intelligence experts that American espionage and secrecy laws need a massive overhaul to protect intelligence gathering.

The only known criminal prosecution directed at someone who leaked classified information to the media came in the case of the Pentagon Papers, in which the government failed to convict Daniel Ellsberg.

But Rep. Morgan F. Murphy, an Illinois Democrat who is chairman of the intelligence panel's legislative subcommittee, said constitutional protections of free speech and fair trial may prevent some proposed legislative changes.

Silver's testimony provided one of the grimmest assessments to date by a Carter administration official of leaks in American intelligence.

Another intelligence expert, retired CIA official John M. Maury, said current laws make the United States "unable to guard against the indiscriminate disclosure of information vital to the national security or profoundly affecting internal

Maury, former head of the CIA's Soviet operations, waved a copy of a publication called Covert Action Information Bulletin. He said by naming alleged CIA agents the magazine is "jeopardizing the lives of dedicated public servants and foreign collaborators."

Maury warned that without new legislation, "we can expect further intelligence failures and security disasters in the days ahead."

The general counsel for the CIA, Anthony A. Lapham, told the intelligence committee that a fuzzy 1917 espionage law makes it unclear "whether the leak of classified information to the press is a criminal act or whether the publication of that same information by a newspaper is a criminal act."

The espionage laws aren't often enforced, said Lapham, in part "because their meaning is so obscure."

Maury's subcommittee is looking at a dozen proposals introduced in Congress in recent years and is discussing other proposals by intelligence experts as well as legal experts.

Two Columbia University law professors, Benno Schmidt Jr. and Harold Edgar, recommended the following to the panel:

✓ A new espionage law that doesn't require that the government prove that classified information provided to foreign agents caused a security breach. This would eliminate the major snags to prosecution of in-court discussion of whether the security classification of filched documents was proper.

✓ New criminal penalties for wrongful disclosure of defense secrets by government employees.

✓ A "narrowly drawn" law that prohibits the publication of certain defense information "of great security significance."

Even with new laws, intelligence experts agreed, there would be a general reluctance to bring prosecutions.

"The basic problem," said Silver, "is that the mere fact of prosecution tends to confirm the truth of the leaked information."

Morgan said his subcommittee may be able to come up with legislation to "clarify" the federal espionage law, but he indicated that he is reluctant to seriously consider proposals involving prior censorship of newspapers or penalties for

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